

Remarks

Claims 17-24 and 26 are pending in the application. Claims 17 and 21 have been amended.

I. Information Disclosure Statement

The Examiner indicated that the NPL reference labeled AA was not considered because the reference was not legible. Applicant is submitting a new copy of the AA reference that is believed to be acceptable. Applicant is submitting a new Form PTO/SB/08 listing the AA reference. Consideration of this reference and indication of such consideration on Form PTO/SB/08 is respectfully requested.

II. Objections to the Drawings

Applicant is submitting a replacement drawing containing Figure 1 with Figure 1 labeled the legend “Prior Art” as requested by the Examiner. The drawings are now believed to acceptable. Applicant respectfully requests that the objections to the drawings be withdrawn.

III. Rejection Under 35 U.S.C. §112, First Paragraph

Claims 17, 21 and 26 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

With respect to claims 17 and 21, Applicant has amended these claims to be consistent with the terminology in the description (i.e. broadcast receiving means, matching means, etc.). The inclusion of the “means for” language in Applicant’s method claims as being acceptable for overcoming the rejections under 35 U.S.C. §112, first paragraph, was confirmed by the Examiner in a telephone conference conducted on January 6, 2011. Accordingly, these claims are now believed to be acceptable with respect to the rejections under 35 U.S.C. §112, first paragraph.

With respect to claim 26, Applicant respectfully submits that the claim as presented fulfills the requirements of 35 U.S.C. §112, first paragraph.

Applicant submits that the Examiner is improperly placing an onerous burden upon Applicant that is not required under 35 U.S.C. §112, first paragraph. The first paragraph of §112 merely provides that “the specification shall contain a written description of the invention, and the manner and process of making and using it, in such full, clear, concise, and exact terms to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same.” *See* 35 U.S.C. §112, first paragraph. To satisfy the written description requirement under 35 U.S.C. §112, first paragraph, Applicant need only to convey with reasonable clarity to those skilled in the art that, as of the filing date sought, he or she was in possession of the invention, and the invention, in that context, is whatever is now claimed. *See* M.P.E.P. §2163(I)(B). The subject matter of the claim need not have to be described *in haec verba* (i.e. using the same terms) in order for the disclosure to satisfy the description requirement. *Id.* It is sufficient that the specification convey clearly to those skilled in the art, *in any way*, to whom it is addressed, that the Applicant invented the subject matter that is later claimed. *See* M.P.E.P. §2163.02. *Emphasis added.* Also, 35 U.S.C. §112, first paragraph, does not require word-for-word or literal support. *See* MPEP §2163.02. Furthermore, information that is well known in the art need not be described in detail in the specification. *See* M.P.E.P. §2163(II)(A)(2).

Applicant submits that these requirements have been met. Referring to paragraph 0023 of the specification, for instance, the description therein shows that that the apparatus is a broadcast data receiver. It is known in the art to provide broadcast data receivers with storage means (flash memory, hard disks, etc.) and microprocessors to process the received information and therefore the skilled person would have no difficulty in identifying the equivalent components addressed under the “means” language used in the description. Specific support for the arrangement of the content alert data processor can be found, for instance, in Figure 5 and supporting paragraphs 0062-0066 of the specification.

For all the above reasons, Applicant submits that the written description requirement under 35 U.S.C. §112, first paragraph, has been met. The rejections made on this basis should therefore be withdrawn.

IV. Rejections Under 35 U.S.C. §103

The Examiner has rejected pending claims 17-20 as being obvious under §103(a) based upon the reference Herz (U.S. Patent No. 6,029,195) in view of Linden et al. (U.S. Patent No. (6,266,649).

Claim 17 has been amended to include the non-obvious feature of claim 21, which was indicated as containing allowable subject matter. Specifically, claim 17 has been amended to call for updating the user profile held in storage means according to the weighted feedback information. This feature allows more accurate recommended content to be provided to the user.

V. Conclusion

In view of all of the reasons presented above, Applicant submits that the application is in a condition for allowance. Favorable action is therefore respectfully requested.

If any further extension of time is believed necessary, such extension is hereby requested. If any fees are deemed necessary for the continued prosecution of the present application, the Commissioner is hereby authorized to charge them to Deposit Account No. 50-1899.

Please contact the undersigned at the address or telephone number listed below should there be any questions, or if contacting the undersigned would expedite or aid the examination or prosecution of this application.

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Respectfully submitted,

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